

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,378  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision of the Office of Home Heating Fuel Assistance of the Department of PATH finding that she and her husband are ineligible for fuel assistance. The issue is whether the petitioner's income exceeds the program maximum. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner and her husband have gross income from Social Security and Veterans benefits of \$1,518.78 a month. They are elderly and the petitioner suffers from blindness and other health problems.

2. The petitioner made a timely application for heating fuel assistance with the Department of PATH and was informed that she would not be eligible because her and her husband's net countable income is in excess of the program maximum.

3. The Department calculated the petitioner's eligibility by subjecting both her and her husband's gross monthly incomes to a \$150 deduction based on their

elderly/disabled status. The remainder, \$1,218.78 (\$1,518.78 minus \$300), was compared to the maximum allowable under the regulations, which is \$1,210. Because their net income was \$8 in excess of this maximum, it made them ineligible for the program.

ORDER

The decision of the Office of Home Heating Assistance of PATH is affirmed.

REASONS

The regulations governing the fuel program provide that a two-person household with a net income more than \$1,210 (125 percent of federal poverty guidelines) is financially ineligible for benefits. W.A.M. § 2904.1 and P-2905 A. Unfortunately the petitioner's and her husband's net income is \$8 in excess of the program maximum. The only exclusion from gross income for which the petitioner and her husband qualify is \$150 each based on their age and disability. W.A.M. § 2904.3.

Although the petitioner's and her husband's net income is only \$8 in excess of the maximum, the regulations are clear that they cannot receive heating assistance under the regular

fuel program for this winter. The Board is thus bound to affirm the Department's decision. 3 V.S.A. § 1391(d), Fair Hearing Rule 17.<sup>1</sup>

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<sup>1</sup>At the hearing in this matter, held on November 20, 2001, the petitioner's daughter, who acted in the petitioner's behalf, was informed of the "crisis" fuel program that she can apply for through the local community action program if an emergency need for fuel arises this winter.